



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 6  
**MAIL**

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BALMAIN 2041 AU AUSTRALIA

MAY 12 2004

In re Application of:  
Robert Simon Walmsley  
Application No. 09/575,110  
Filed: May 23, 2000  
For: PRINT ENGINE/CONTROLLER WITH  
COLOR MASK

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600  
DECISION  
ON PETITION

This is a response to the request for withdrawal of the Notice of Abandonment, filed March 9, 2004 which is treated as a petition to Withdraw the Holding of Abandonment, no fee is required pursuant to 37 C.F.R. § 1.181.

This application was held abandoned for failure to respond to the Office Action mailed on July 7, 2003. A Notice of Abandonment was mailed February 24, 2004.

Petitioner alleges to have timely filed a response by facsimile transmission to the Office Action on October 7, 2003. In support this position, Petitioner provides with the petition, copies of a Facsimile Transmission Report, a Facsimile Transmittal Form, and a copy of the alleged timely Response.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. [emphasis added]

The petition has not included a statement from Simon Robert Walmsley attesting on a personal knowledge basis to the previous timely mailing or transmission on October 7, 2003. However, petitioner does provide a copy of the facsimile transmittal report which confirms transmission to a U.S. Patent and Trademark Office facsimile number, signed by Simon Robert Walmsley.

Accordingly, the petition is Granted. The Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of petition the response. From there, the file will be forwarded to the examiner for consideration in due course.



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Special Program Examiner  
Technology Center 2600  
Communications